

**WARRANT
ANNUAL TOWN MEETING – MAY 4, 2009
THE COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To either of the Constables of the Town of Carlisle in the County of Middlesex:

GREETINGS

IN THE NAME OF the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and town affairs, to meet at the Corey Building at 150 Church Street in said Carlisle on Monday, the Fourth of May next, at seven o'clock in the evening, and thereafter continuing from day to day until completed, then and there to act on the following articles:

CONSENT AGENDA

In an effort to streamline Town Meeting and therefore make it more inviting to voters, the Board of Selectmen has decided to propose the introduction of the Consent Agenda. This agenda speeds the passage of articles which the Selectmen feel, in consultation with the Moderator and Finance Committee, should generate no controversy and can be properly voted without debate. The purpose of the Consent Agenda is to allow motions under these articles to be acted upon as one unit and to be passed without debate.

THE TOWN WILL BE ASKED TO APPROVE THE USE OF A CONSENT AGENDA UNDER ARTICLE 2.

Should the Town approve the use of a CONSENT AGENDA the Selectmen have voted to recommend all those articles on the Consent Agenda (Articles 3,4,5,6,and 7). The articles to be taken up on the Consent Agenda are indicated by a double asterisk(**).

At the call of the Consent Agenda, the Moderator will call out the numbers of the Articles, one by one. If one or more voters object to any particular Article being included in the Consent Agenda, they should say the word "Hold" in a loud voice when the number is called. The Article will then be removed automatically from the Consent Agenda and restored to its original place in the Warrant, to be debated and voted upon in the usual manner. After the calling of the individual items in the Consent Agenda, the Moderator will ask that all items remaining be passed AS A UNIT by the voters.

Please carefully review the list of articles proposed in the printed Warrant Book that is mailed to each home. If you have any questions about the consent articles or procedure, please call the Town Administrator at 978-371-6688 before Town Meeting.

ARTICLE 1 - Town Reports: To hear and act upon the reports of Town Officers, Boards, Committees, Commissioners, and Trustees, or take any other action related thereto.

ARTICLE 2 – Consent Agenda: To see if the Town will vote to adopt certain procedures to govern the conduct of the 2009 Annual Town Meeting, or take any other action related thereto.

ARTICLE 3 - Salaries of Elected Officials **: To see if the Town will vote to fix the salaries of the elected officers of the town as provided by Chapter 41, Section 108 of the General Laws, as amended, for the Fiscal Year 2010, beginning July 1, 2009, or take any other action related thereto.

ARTICLE 4 – Revaluation **: To see what sums of money the Town will raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute to be spent by the Board of Assessors for the purpose of professional services in connection with revaluation of real estate and personal property in the Town, or take any other action related thereto.

ARTICLE 5 – Actuarial Valuation:** To see what sums of money the Town will raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute to be spent by the Board of Selectmen for the purpose of professional services in connection with GASB 45 actuarial valuation of post employment benefits for the Town, or take any other action related thereto.

ARTICLE 6 - Department Revolving Funds Authorization **: To see what revolving funds the Town may authorize or reauthorize pursuant to Massachusetts General Laws Chapter 44, Section 53E ½ for the Fiscal Year 2010, beginning July 1, 2009, or take any other action related thereto.

ARTICLE 7 – Real Estate Tax Exemption **: To see if the Town will vote to accept G.L. Chapter 59, Section 5 (clause 41C) to grant an additional real estate tax exemption of up to one hundred (100%) percent, or take any other action related thereto.

ARTICLE 8 – Fiscal Year 2009 Budget Transfers: To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2009 operating budget from other line items of said budget or from other available funds, or take any other action related thereto.

ARTICLE 9 - Operating Budget: To see what sums of money the Town will raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, to fund the various departments, boards, commissions, and operating expenses of the town for the Fiscal Year 2010, beginning July 1, 2009, or take any other action related thereto.

ARTICLE 10 – Capital Equipment: To see what sums of money the Town will raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute for various capital purposes, or provide by any combination of these methods, or take any other action related thereto.

ARTICLE 11 – Capital Expenditure - Carlisle Public Schools Renovation/Replacement:

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, or transfer from available funds, a sum of money to be expended under the direction of the School Building Committee and the Board of Selectmen for schematic design and project management services associated with the additions, renovations and site work improvements to the Carlisle Public Schools located on the existing school campus on School Street in Carlisle, MA, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; or take any other action related thereto.

ARTICLE 12 – Capital Expenditure - CCRSD Improvements: To determine whether the Town will vote to approve or disapprove Seven Hundred Fifty Thousand Dollars (\$750,000) or any other sum, of debt authorized by the Concord-Carlisle Regional School Committee for the purposes of financing, the repair and renovation to Concord Carlisle High School, improvements to safety systems, and to address and plan remediation of space constraints provided that the amounts required to pay the Town's assessable share of the bonds to be issued by the Concord-Carlisle Regional School District are voted by the Town to be exempt from the limitation of taxes imposed by Massachusetts General Law and Acts in amendment thereof or in addition thereto Chapter 59, Section 21C, in accordance with clause (k) of said section, or take any other action related thereto.

ARTICLE 13 – Capital Expenditure – DPW Roll-off Truck: To see what sums of money the Town will raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute for the Board of Selectmen to expend to purchase a DPW Roll-off Truck, or provide by any combination of these methods, or take any other action related thereto.

ARTICLE 14 – Capital Expenditure - Fire Department Cisterns: To see what sums the Town will raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute to provide funding, to be expended by the Board of Selectmen, to purchase and install cisterns for the Fire Department, or take any other action related thereto.

ARTICLE 15 – Professional Services Council on Aging: To see what sums of money the Town will raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute to be spent by the Board of Selectmen upon the recommendation of the Council on Aging for the purpose of professional services to aid the residents of Carlisle, or take any other action related thereto.

ARTICLE 16 - Fiscal Year 2010 Reserve for Debt Services – MSBA Transfer: To see what sums the Town will vote to transfer from Reserve for Debt Services – MSBA to be applied to the payment of principal on Debt Service or take any other action related thereto.

ARTICLE 17 - Fiscal Year 2010 Stabilization Account Transfer: To see if the Town will vote to transfer from the Stabilization Account a sum of money to be applied to the payment of principal and interest on Debt Service or take any other action related thereto.

ARTICLE 18 – Fiscal Year 2010 Free Cash Transfer: To see what sum the Town will vote to transfer from Free Cash (Surplus Revenue) in the treasury of the Town to increase the Stabilization Account or take any other action related thereto.

ARTICLE 19 – Fiscal Year 2010 Transfer Free Cash: To see what sum the Town will vote to transfer from Free Cash (Surplus Revenue) in the treasury of the Town to meet the appropriations for Fiscal Year 2010, beginning July 1, 2009 or to authorize the Assessors to use to establish the tax rate, or take any other action related thereto.

ARTICLE 20 - FY 2010 Chapter 90 Authorization: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to be used for reconstruction and improvements of Public Ways as provided for under the provisions of Chapter 90 of the Massachusetts General Laws, or take any other action related thereto.

ARTICLE 21 – Transfer of Highland Building: To see if the Town will vote pursuant to G. L. Ch. 40, s. 15A to transfer the care, custody, and control of the Highland Building from the Carlisle School Committee to the Board of Selectmen for general municipal purposes, or take any other action related thereto.

ARTICLE 22 – CPA Authorization: To see if the town will vote to act on the report of the Community Preservation Committee and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds and to authorize the Board of Selectmen to convey, or accept as the case may be, appropriate historic preservation restrictions for historic resources, open space restriction to be in compliance with the requirements of Chapter 44B, section 12 of the General Laws of the Commonwealth, and to take any other action related thereto.

ARTICLE 23 – Highland Building Demolition: To see what sums of money the Town will raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, to be spent by the Board of Selectmen to pay for the demolition of the Highland Building, or take any other action related thereto.

ARTICLE 24 – Inclusion of Town Clerk under Chapter 152: To see if the Town will vote to authorize the Board of Selectmen, pursuant to M.G.L. c.152, sec. 69, to designate the position of Town Clerk to be included as an elected official in the group of employees covered under the Town of Carlisle Workers' Compensation Program, to authorize the Board of Selectmen to execute appropriate documentation of such designation with the Commonwealth Division of Industrial Accidents, or take any other action related thereto.

ARTICLE 25 – Town Ways/Acceptance of Carriage Way: To see if the Town will vote to accept Carriage Way as a town way as recommended by the Planning Board and laid out by the Board of Selectmen pursuant to M.G.L. Chapter 41 and Chapter 82, as amended, as shown on the plan entitled "Carriage Way Carlisle, Massachusetts", dated January 3, 2007, revised July 10, 2007, prepared by Stamski and McNary, Inc. filed with the office of the Town Clerk; to see if the

Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain any title interest in the land constituting said ways; and further to see if the Town will vote to raise or appropriate, borrow pursuant to any applicable statute, or transfer from available funds, a sum of money for such purposes; or to take any other action related thereto.

ARTICLE 26 – Town of Carlisle Contract Waste-Management: To see if the Town will vote to authorize the Board of Selectmen to amend the current Contract and extend the current Contract between the Town of Carlisle and Wheelabrator North Andover, or take any other action related thereto.

ARTICLE 27 – CPS Wastewater Plant Management Contract: To see if the Town will vote to authorize the Carlisle School Committee to enter into a five year contract for Management of the Wastewater Plant, or take any other action related thereto.

ARTICLE 28 – Acquisition of Easements: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain easements, pursuant to G.L. chapters 40 and 79 and other applicable laws, over the lands described below for the purposes of drainage, fire protection, and public pathways, including but not limited to the easements listed below:

Stearns Street Drainage Easement – Drainage and construction easements over a portion of land located at 6 Patten Lane in Carlisle and shown on a plan of land entitled “Easement Plan of Land in Carlisle, Massachusetts (Middlesex County)”, prepared by Stamski and McNary, Inc. for the Town of Carlisle, dated January 23, 2007 and on file at the Town Clerk’s office; and

Hanover Hill Pathway Easements – Easements for the construction, installation, inspection, repair, renewal, replacement, operation and maintenance of public pathways over land situated on the northerly side of Westford Street, Carlisle and shown as Pathway Easement A, Pathway Easement B, Pathway Easement C, and Pathway Easement D on a plan of land entitled “Hanover Hill in Carlisle, Massachusetts (Middlesex County) Lot Layout Plan, for: Wilkins Hill Realty, LLC, Scale 1” = 40’, August 24, 2007,” prepared by Stamski and McNary, Inc., dated August 24, 2007, last revised June 3, 2008, filed with the Middlesex County Registry of Deeds Northern District in Plan Book 227, Page 36, and on file at the Town Clerk’s office; and

Hanover Hill Fire Protection Easement – Easements for the construction, installation, inspection, repair, renewal, replacement, operation and maintenance of fire-protection systems over a land located northerly off Westford Street, known as the Hanover Hill subdivision and as shown on the plan of land entitled “Hanover Hill in Carlisle, Massachusetts (Middlesex County) Lot Layout Plan, for: Wilkins Hill Realty, LLC, Scale 1” = 40’, August 24, 2007,” prepared by Stamski and McNary, Inc., dated August 24, 2007, last revised June 3, 2008, filed with the Middlesex County Registry of Deeds Northern District in Plan Book 227, Page 36, and on file at the Town Clerk’s office; and

Bedford Road Pathway Easement - Easements for the construction, installation, inspection, repair, renewal, replacement, operation and maintenance of a public pathway located at the intersection of Bedford Road and Lowell Street, commonly known and numbered as 8 Lowell Street, Map 22, Parcel 43, as shown on plan entitled “Proposed Footpath Plan of Land Lowell

Street, Carlisle, Massachusetts (Middlesex County)”, dated October 4, 2005, prepared by Stamski and McNary, Inc., and on file at the Town Clerk’s office; and

Westford Street Pathway Easement – Easements for the construction, installation, inspection, repair, renewal, replacement, operation and maintenance of a public pathway located at 546 Westford Street, known as Map 20, Parcel 10 as shown on plan entitled “Plan of Land in Carlisle, Massachusetts, Middlesex County for: Wilkins Hill Realty, LLC”, dated May 12, 2008, prepared by Stamski & McNary, Inc., and on file at the Town Clerk’s office; and

to see if the Town will vote to appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes, or take any other action related thereto.

ARTICLE 29 – Transfer of Land: To see if the Town will vote to authorize the Board of Selectmen to transfer to the Conservation Commission the care, custody, and control of a one (1) acre, more or less, parcel of land, identified as Carlisle Assessor’s Map 5, Parcel 46 for conservation and recreational purposes, or any portion thereof or interest therein, or take any other action related thereto.

ARTICLE 30 – Dog License Fees: To see if the Town will vote to amend the Article XIV Section 14.6.2.3 Regulation of Dogs, Licenses of the General Bylaws as follows:

By deleting Section 14.6.2.3 and replacing it with the following: “The Town Clerk shall, pursuant to G.L. c.40, Section 22F, from time to time fix reasonable annual fees to be charged for the issuance of licenses for dogs.”

And by deleting Section 14.6.2.4 and replacing it with the following: “The Town Clerk shall, pursuant to G.L. c.40, Section 22F, from time to time fix reasonable annual fees to be charged for the issuance of licenses for kennels.”

And by making the following deletions and insertions/additions (deletions shown by {~~striketrough~~} and insertions/additions shown by {**bold**}):

14.6.2.6 Any person who is the owner or keeper of a dog in the Town of Carlisle, and who fails to license said dog by April 1st of any year, shall be subject to a penalty of twenty dollars (**\$20.00**) to be payable, in addition to the license fee, to the Town Clerk upon demand by the Dog Officer. Any person who fails to license a dog which is owned or kept in the Town of Carlisle within ~~ten~~ **fifteen** days after the demand made by the Dog Officer shall be subject to a penalty of ~~twenty-five~~ **thirty dollars (\$30.00)**, said penalty to be collected as provided by law.

or take any other action related thereto.

ARTICLE 31 – Wetland Protection General Bylaw Revisions: To see if the Town will vote to amend Article XIII WETLAND PROTECTION of the General Bylaws by making deletions and insertions/additions (deletions shown by {~~striketrough~~} and insertions/additions shown by {**bold**}) as follows:

13.1 Purpose and Jurisdiction

- 13.1.5 It is not the purpose or intention of this Bylaw to exceed Mass. Gen. Laws Ch. 131 Sec. 40 as amended February 14, 1997, or the Wetland Protection Act Regulations 310 CMR 10.00 as amended ~~on March 1, 2005~~ **May, 2008**, except in the following Bylaw sections: 2, 10, and 11.
- 13.7 General Provisions, Presumptions and Performance Standards
- 13.7.1 The provisions set forth in 310 CMR 10.03(1) through 10.03(6) as defined ~~on March 1, 2005~~ **May, 2008**, and 310 CMR 10.51 through 10.60 as defined ~~on March 1, 2005~~ **May, 2008**, shall be used for the interpretation and implementation of this Bylaw except in the event of a conflict with other provisions of this Bylaw, in which case the other provisions of this Bylaw shall take ~~presence~~ **precedence**.
- 13.11 Definitions
- 13.11.1 Unless specifically stated otherwise in this Bylaw, the definitions set forth in Mass Gen. Laws Ch. 131, Sec. 40, as defined on February 14, 1997, and in 310 CMR as defined ~~on March 1, 2005~~ **May, 2008**, shall be used for the interpretation and implementation of this Bylaw.

or take any other action related thereto.

ARTICLE 32 – Public Consumption of Marijuana and Tetrahydrocannabinol General Bylaw: To see if the Town will vote to amend the Town of Carlisle General Bylaws ARTICLE XIV MISCELLANEOUS by adding the following new Section 14.9:

- 14.9 Public Consumption of Marijuana or Tetrahydrocannabinol
- 14.9.1 No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, Sec. 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.
- 14.9.2 This Bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, Sec. 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this Bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, Sec. 32L.

or take any other action related thereto.

ARTICLE 33 –Solar Power Generation and Wind Conversion Systems Bylaw: To see if the Town will vote to amend the Town of Carlisle Zoning Bylaws as follows: by amending Section 3. DISTRICT USE REGULATIONS by adding the following new subsection 3.2.1.11.6:

3.2.1.11.6 Roof-top residential installations of photovoltaic panels for the generation of solar power and heating, subject to the provisions of Section 4.6, and the installation of solar power photovoltaic panels on structures other than roof tops under the following conditions:

3.2.1.11.6.1 The applicant shall submit to the Building Commissioner a plot plan showing the lot lines and the proposed location of the photovoltaic panels and supporting structure with a minimum of forty foot setbacks from all property lines.

3.2.1.11.6.2 To prevent unauthorized access to photovoltaic panels on a free-standing structure over ten (10) feet in height, climbing apparatus shall be removed to at least ten (10) feet above the ground or anti-climbing shrouds placed over the bottom portion of the structure.

3.2.1.11.6.3 The design of the proposed photovoltaic panel installation shall be such that in the event of loss of utility power, the photovoltaic panel shall not back feed a dead power line.

3.2.1.11.6.4 If the Building Commissioner determines that any photovoltaic panel installation on a separate structure has been abandoned or not used for more than twelve (12) months, he may revoke its permit and may require that it be removed by the owner.

3.2.1.11.6.5 If the Building Commissioner determines that any photovoltaic panel installation, either on a roof-top or on a separate structure, has become a hazard, she/he may revoke its permit and may require that it be removed by the owner.

And by amending Section 4, INTENSITY AND DIMENSIONAL REQUIREMENTS by amending Section 4.6 by adding the following new last paragraph:

4.6 Notwithstanding the provisions of Section 4.7, accessory solar power generating and solar water heating installations mounted on a building may be no higher than three (3) feet above the highest point of the roof thereof, and accessory wind turbine facilities mounted on a building may be no higher than provided in 5.10.3.3.

and by amending Section 5, SUPPLEMENTARY REGULATIONS, by adding the following new Section 5.10.

5.10 Wind Energy Conversion System

5.10.1 Purpose

The purpose of this Section 5.10 is to permit the siting of residential and commercial accessory wind conversion systems within the Town and to regulate their impacts and their location. There shall be no more than one (1) wind conversion system per lot with the exception of municipal applications, which shall not be subject to such one (1) system per lot limitation.

5.10.2 Wind Energy Conversion Systems: Administration

5.10.2.1 Placement of Wind Energy Conversion Systems-hereafter referred to as wind turbines - on any property in any zoning district in the Town of Carlisle shall require a special permit from the Board of Appeals, in addition to a building permit and any relevant electrical permits. Permit procedure shall be as set forth in Section 7.2 of this By-law.

5.10.2.2 The applicant shall submit a plan and supporting data including the following:

- a. a certified plot plan showing property lines of the applicant and abutters, proposed location of the wind turbine, location of buildings, overhead transmission and distribution lines, and any radio or telecommunications towers within two hundred (200) feet of the wind turbine; drainage or utility easements crossing within two hundred (200) feet of proposed power or control lines to or from the wind turbine;
- b. certified engineering drawings will be required for tower and foundation; certification by a registered engineer that tower design is sufficient to withstand a wind load for structures as established by the Mass Building Code;
- c. documentation showing that the proposed wind turbine and electronics package is pre-engineered production combination;
- d. wind turbine design data including manufacturer's specifications and installation/operation instructions;
- e. data to support a minimum capacity factor of ten (10) % based on Massachusetts Technology Collaborative, True Winds data or appropriate wind data. The term "capacity factor" (cf) is defined for purposes of this Section 5.10 as the measured energy output of the wind turbine over a given period of time (generally a month or a year), in kilowatt hours, divided by the energy output the turbine would have produced if running continuously at nominal net rated capacity over the same period. CF is expressed as $\text{Energy Output in period (in kWh)} / [\text{net rated capacity (in kW) times hours in period}]$ "for purposes of this Section.
- f. a visual representation of the proposed wind turbine sited on the property.

5.10.2.3. Abandonment: If the Building Inspector determines that any wind turbine has not been in use for more than twelve (12) months, or has become a hazard, he may revoke its permit and may require that it be removed by the owner, subject to the procedures and penalties set forth in Mass. General Laws Chapter 139, Section 3A and Mass. General Laws Chapter 143, Section 9.

5.10.3 Wind Turbine Standards

5.10.3.1 Setback: The wind turbine tower shall be set back at least one tower height plus one rotor radius from any property line, except that setback may be reduced by the Board of Appeals, if it finds there is no risk to the public safety or welfare or risk to the safety or welfare of abutting properties. In addition, the Board of Appeals may reduce or eliminate the setback requirement where the application

is a “joint” application for one wind turbine tower submitted by two (2) abutting property owners and the setback at issue is from the boundary line between the two (2) abutting properties owned by the applicants. In making this determination the Board of Appeals may consider, without limitation, the safety record for the type of wind turbine proposed and the consequences of tower failure for the proposed type of tower.

- 5.10.3.2 Impact: In all wind turbine installations, visual screening and sound attenuation shall be required where necessary to limit visual and noise impacts to neighbors. Visual and sound impacts shall have minimal effects on the characteristics of the surrounding neighborhoods and the Town.
- 5.10.3.3 Height: The maximum total height of tower and rotor shall be limited to one hundred forty (140) feet above average mean grade before construction. The lowest blade tip shall not be higher than twenty (20) feet above the average tree height.
- 5.10.3.4 Minimum blade height: Minimum blade elevation shall be not less than twenty (20) feet above the ground at the lowest point of blade arc.
- 5.10.3.5 Noise: Applicant will provide noise data that shows the noise level at any property line will not exceed 5dBA and 5dBC above the ambient level at ground level at the property line when the unit is operating in average wind speed conditions for the site.
- 5.10.3.6 Labeling Requirements: At least one (1) sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label on the generator or alternator of the wind turbine, and on the wind turbine control panel:
 - a. Maximum power output of system and wind speed at which it is achieved.
 - b. Nominal voltages and maximum current;
 - c. Manufacturer's name and address, model number and serial number;
 - d. Normal and emergency shutdown procedures;
 - e. Maximum wind speed the wind turbine, in automatic unattended operation, can sustain without damage to structural components, or loss of ability to function normally.
- 5.10.3.7 Safety: The design of the proposed wind turbine shall be such that:
 - a. In the event of loss of utility power, wind turbine shall not back feed a dead power line;
 - b. In the event of wind speeds of forty five (45) miles per hour or greater, the wind turbine shall brake or feather below survival blade speed;
- 5.10.3.8 Access: To prevent unauthorized climbing, wind turbine access shall be restricted by one of the following:
 - a. a fence at least six (6) feet high, constructed around the perimeter of the base of the supporting structure, provided that such fence is not required for any wind turbine erected on a dwelling or other structure which provides no opportunity for climbing for at least six (6) feet; or
 - b. removal of climbing apparatus on the support structure to at least ten (10) feet above the ground; or

c. anticleimbing shrouds over the bottom portion of the structure.

5.10.3.9 Tower Type: Lattice and monopole towers may be allowed by the special permit granting authority. Guyed towers are prohibited. Towers must be hinged for maintenance and lowering in high wind conditions.

5.10.3.10 Output: Any wind turbine generating over fifty (50) kilowatts is not covered by this bylaw and is not permitted with exception of municipal applications, which shall not be subject to such fifty (50) kilowatt limitation.

5.10.3.11 Tower Use: Towers approved under this bylaw are prohibited for any other purpose than support of wind turbine equipment. No advertising or lighting is allowed.

5.10.3.12 Shadowing / Flicker: Wind turbines shall be designed and sited in a manner that does not result in significant shadowing or flicker impacts on surrounding neighborhoods. Data that the Board of Appeals determines is adequate must be provided to support this.

5.10.3.13 Color: Wind turbines shall be painted a color to minimize impact with a non-reflective finish,. Such color must be approved by the Board of Appeals.

or take any other action related thereto.

ARTICLE 34 – Wireless Zoning Bylaw Revisions: To see if the Town will vote to amend Section 5.9 of the Town of Carlisle Zoning Bylaws, Personal Wireless Communication Facilities, by replacing the current Section 5.9 with the following:

5.9 Personal Wireless Communication Facilities.

5.9.1 Purpose. The purpose of this Section is to permit the siting of Personal Wireless Service Facilities within the Town, to regulate their impacts, their location and use in a manner that complies with federal and state laws and regulations regarding the placement of such Facilities, including the National Wireless Telecommunications Siting Policy of the Telecommunications Act of 1996, Section 332 (c) (47 U.S.C. 332 (c)), and to the extent feasible:

5.9.1.1 protects the scenic, historic, natural and man-made resources of the Town;

5.9.1.2 minimizes the impact on the character of the community while facilitating beneficial use of Personal Wireless Services;

5.9.1.3 minimizes any adverse impacts on the residents of the Town with regard to the general safety, welfare and quality of life in the community (such as, but not limited to, attractive nuisance, noise, and falling objects);

5.9.1.4 minimizes any adverse impacts on property values;

5.9.1.5 minimizes any adverse impacts on the environment and existing vegetation;

- 5.9.1.6 minimizes the collective impact of Personal Wireless Facilities throughout the Town by controlling the quantity, height, visibility and appearance of Facilities in a fashion that is compatible with their surroundings; and
- 5.9.1.7 minimizes the visual impact on the community to the extent practicable by:
- (a) encouraging Facilities to be Concealed within pre-existing structures;
 - (b) encouraging Facilities attached to pre-existing structures to be Camouflaged;
 - (c) encouraging, where location on or within pre-existing structures is not feasible, the co-location of Facilities, including, but not limited to, the location of Facilities on Utility Poles;
 - (d) discouraging the construction of new Towers; and
 - (e) encouraging the use of the least visually intrusive technology available in the industry.

5.9.2 Definitions.

As used in this Section, the following terms shall have the meanings indicated:

- 5.9.2.1 *Act:* The Federal Telecommunications Act of 1996.
- 5.9.2.2 *Antenna:* A device that emits and/or receives radio waves propagating through the air.
- 5.9.2.3 *Associated Antenna Equipment:* Any Antenna and equipment that is mounted with or in proximity to the Antenna and supporting the purpose of the Antenna, such as cables, in-line mounted amplifiers, filters, sensors, actuators, hardware and the like.
- 5.9.2.4 *Base Station:* The point of communication between one Personal Wireless Service Provider and its mobile subscribers. It consists of a Personal Wireless Service Provider's transmission and reception equipment, along with any related equipment including; Antennas, Associated Antenna Equipment, and any Communication Equipment Shelters.
- 5.9.2.5 *Camouflaged:* A Facility disguised, shielded, hidden, painted or otherwise made to appear as part of an existing or proposed structure or to resemble an architectural feature of an existing or proposed structure or building on which it is placed.
- 5.9.2.6 *Communication Equipment Shelter:* A building designed principally to enclose equipment used in connection with the provision of Personal Wireless Services.

- 5.9.2.7 *Concealed*: A Facility that is entirely contained within an existing building or structure and is not visible from the outside of the structure, but this definition does not include a Concealed Antenna Monopole.
- 5.9.2.8 *Concealed Antenna Monopole or CAM*: A Monopole that fully contains Antennas and cables concealed within its tubular outer surface.
- 5.9.2.9 *Facility Site or Site*: A parcel of land that on any part thereof one or more Personal Wireless Service Providers operate one or more Personal Wireless Service Facilities.
- 5.9.2.10 *Monitoring*: The evaluation of the emissions and operation of a Personal Wireless Service Facility for compliance with applicable standards or requirements.
- 5.9.2.11 *Monopole*: A Tower that is self-supporting vertical pole, with no guy wires, that supports Antennas and through the interior of which Antenna and control cables are routed to maintain an uncluttered continuous exterior surface. Antennas are mounted to Monopoles in several fashions, including those mounted on wide frames or platforms extending from the Monopole surface, surface-mounted to the pole exterior (sometimes called “flush mounts”), concealed within the pole’s surface (see *Concealed Antenna Monopole*) or disguised by materials such as those emulating natural vegetation.
- 5.9.2.12 *Overall Tower Height*: the height of a Tower, measured from the ground level surrounding the base of the Tower to the higher of the top of the Tower itself or any appurtenance extending beyond the top of the Tower.
- 5.9.2.13 *Personal Wireless Services*: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services, as defined in 47 U.S.C. sec. 332(c)(7)(C)(i). These services include but are not limited to: cellular services, personal communication services (PCS), specialized mobile radio services and paging services.
- 5.9.2.14 *Personal Wireless Service Facility or Facility*: the arrangement of any of the following at a location (Facility Site, building or other structure) that enables the provision of Personal Wireless Services; Base Stations, Antennas, Associated Antenna Equipment, Communication Equipment Shelters and Personal Wireless Towers.
- 5.9.2.15 *Personal Wireless Service Provider or Provider*: An entity engaged in the business of providing Personal Wireless Service(s).
- 5.9.2.16 *Personal Wireless Tower*: A Tower or Monopole that is primarily intended to support Antenna(s) and Associated Antenna Equipment for Personal Wireless Service.
- 5.9.2.17 *Repair of an existing Personal Wireless Service Facility*: The replacement or repair of any part of a Personal Wireless Service Facility with a part that has similar visual and technical characteristics, for the purpose of improving the reliability or performance of Personal Wireless Service.

5.9.2.18 *Small Form Factor Technologies (collectively, or individually, "SFFT")*: such as, without limitation, the following:

- A. *Repeater*: A small relay transceiver and associated Antennas designed to provide general extension of Personal Wireless Service coverage by repeating communications through the use of an over-the-air link with a host Personal Wireless Service Facility. Repeater electronics packages are typified by their self-containment, low volume (5 cubic feet or less) and ability to be attached to an existing structure such as a building or Utility Pole.
- B. *Distributed Antenna System (DAS)*: A network of components that employs a multiplicity of small Antennas distributed throughout an area, often mounted to Utility Poles, each of which is served by a small (3 to 30 cubic feet., typical) electronics package mounted with the Antenna, and which Antennas and electronics packages are linked to a central Base Station facility by intermediate media such as fiber, wire, or wireless links.
- C. *Distributed Network Elements*: A means of distributing Antennas throughout an area in manner that does not employ the central Base Station of a DAS and instead employs small (5 cubic feet., typical) Base Station packages mounted locally with each Antenna.

5.9.2.19 *Special Permit Granting Authority*: The Town board charged with the responsibility for granting special permits for personal wireless service facilities shall be the Carlisle Planning Board ("Planning Board"). The Special Permit Granting Authority may be assisted by an *ad hoc* committee convened by the Planning Board.

5.9.2.20 *Tower*: Any structure that is uninhabitable and exceeds the height limit for habitable structures in the applicable zoning district.

5.9.2.21 *Utility Pole*: A pole installed for the purpose of conveying one or more utilities. For the purposes of this Bylaw, a Utility Pole is considered a structure and is not considered a Tower or a Personal Wireless Tower, unless its overall height is in excess of 60 feet.

5.9.3 Priorities.

If requested by the Planning Board, Applicants shall demonstrate to the satisfaction of the Planning Board that they have investigated locations or Facilities higher in priority ranking than the one they are applying for and that such higher priority ranked alternative(s) is (are) not available to provide coverage that would be substantially similar to the coverage that would be provided by the Facility which is proposed or that any such higher ranked alternative is singly or in the aggregate more visible or otherwise will have a more detrimental impact on the community than the proposed Facility. The following are the priority rankings from highest to lowest rankings:

- (a) Concealed, per Section 5.9.5;

- (b) Camouflaged in connection with an existing building or structure, per Section 5.9.5;
- (c) Co-located with an existing Facility;
- (d) SFFT located on a Utility Pole or other structure;
- (e) Camouflaged in connection with a proposed building or structure;
- (f) A Concealed Antenna Monopole located on land owned or leased by the Town of Carlisle;
- (g) A Concealed Antenna Monopole not located on land owned or leased by the Town of Carlisle.

5.9.4 General Requirements.

- 5.9.4.1 Pre-Application Conference. Applicants are strongly encouraged to meet with the Planning Board at a public meeting to discuss the proposed application for a new Facility and to discuss in general terms the proposed facility prior to the formal submission of an application.
- 5.9.4.2 Application Process. Each Personal Wireless Service Provider desiring to construct or install a Personal Wireless Service Facility shall submit a written application for a special permit including without limitation a plan of the site of the proposed Personal Wireless Service Facility to the Planning Board. The application shall be submitted in accordance with the requirements of the Rules and Regulations regarding Special Permits for Personal Wireless Communications Facilities, adopted by the Planning Board, as the same may be amended from time to time ("Rules and Regulations"). Except for Repairs of existing Personal Wireless Service Facilities as defined in Section 5.9.2.17, a special permit is required for the installation of any new Personal Wireless Service Facility. The applicant must demonstrate to the Planning Board a significant lack of service currently being provided. The applicant must prove to the Planning Board the need for the particular proposed Facility. As part of the Application Process, the applicant must demonstrate the need for the proposed Facility as detailed in the Rules and Regulations.
- 5.9.4.3 New Personal Wireless Service Facilities shall be permitted in the Town of Carlisle only when the applicant has demonstrated that the provision of its Personal Wireless Service cannot be achieved with existing Facilities or with an adjustment of those Facilities.
- 5.9.4.4 Applications for new Personal Wireless Service Facilities shall be reviewed by the Planning Board in accordance with the Priorities set forth in Section 5.9.3 above. Any Monopoles shall be designed to camouflage, minimize, or conceal their appearance. Facilities within or attached to an existing building or structure shall comply with Section 5.9.5. Other Antenna supporting structures such as truss (also known as lattice) or guyed Personal Wireless Towers shall not be permitted. Any Tower existing for another purpose may be employed for Personal Wireless Service Antennas and Associated Antenna Equipment in a fashion consistent with this paragraph and this Bylaw.

- 5.9.4.5 The proposed Facility must be designed and constructed in accordance with the Commonwealth of Massachusetts building code, laws, rules and regulations, and any other applicable Federal, State building codes, laws, rules and regulations. The designer of record of the Facility must be a registered professional engineer in the Commonwealth of Massachusetts. The Planning Board may, at its discretion, hire a professional engineer to review the design of the Facility, the cost of such verification to be borne by the applicant.
- 5.9.4.5.1 Without limiting Section 5.9.4.5, proposed Facilities located within the current mapped Priority Habitat and Estimated Habitat of State Listed Rare Wildlife shall comply with the review process required by the Natural Heritage and Endangered Species Program of the Massachusetts Division of Fisheries and Wildlife, as the same may be amended from time to time, and applicants of proposed Facilities located within the review area of the Wild and Scenic River Corridor shall notify the Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council.
- 5.9.4.6 The Personal Wireless Service Facility shall have, to the maximum extent feasible, negligible adverse visual effects on the environment.
- 5.9.4.6.1 The Planning Board may impose reasonable conditions to ensure this result, including painting, landscaping and lighting requirements or limitations, provided that no such requirement conflicts with any Federal standard, including those of the FAA. Personal Wireless Service Facilities, collectively and individually, shall be developed in a manner that to the greatest extent possible avoids FAA lighting requirements.
- 5.9.4.6.2 If, in the opinion of the Planning Board, the Facility Site is in a vegetated area, and protection of a vegetated buffer will prevent or minimize detrimental changes in the visibility of the Facility, the Planning Board may require protection of a vegetated buffer with specifications of its choosing.
- 5.9.4.6.3 To the extent feasible, all utility connections to the Personal Wireless Service Facility shall be via underground lines unless the use of above-ground lines on any portion of the route has no detrimental impact to the safety or the visual effects of the surrounding environment as determined by the Planning Board.
- 5.9.4.6.4 Existing on-site vegetation shall be preserved to the maximum extent practicable. Any and all plans for construction in connection with the Facility, including, but not limited to, Personal Wireless Towers, roads and utility trenches, shall, where applicable, be reviewed and approved by the Carlisle Conservation Commission, as well as by the Planning Board and the Building Commissioner.
- 5.9.4.7 Traffic associated with and access to the proposed Personal Wireless Service Facility shall not adversely affect abutting ways.

5.9.4.8 The applicant shall obtain written, legally valid and binding authorization for the use of each Facility Site from the owner thereof; or, where applicable, from the utility companies whose facilities are used; or from the Carlisle Board of Selectmen with respect to public ways and Town-owned facilities, and shall provide such evidence to the Planning Board.

5.9.4.9 Unless the Planning Board determines that safety and aesthetic concerns are not served by the installation of such fencing, the area around a Personal Wireless Tower and Facility and associated Communication Equipment Shelters shall be completely fenced and gated for security, with fencing acceptable to the Planning Board. Personal Wireless Towers shall be inherently inaccessible to unauthorized climbers or shall maintain anti-climbing devices the first twenty feet of the Personal Wireless Tower.

A sign shall be posted adjacent to the entry point indicating the Facility owner(s) and a 24-hour emergency telephone number. Advertising on any part of the Facility or Site, including but not limited to, any Antenna, Personal Wireless Tower, fencing, accessory building or Communication Equipment Shelter is prohibited.

5.9.4.10 All Personal Wireless Service Facilities shall be powered from electric company distribution lines. Transportable emergency generators may be deployed to and used at the site only in the event of a sustained outage. A permanent generator to be used for supplying backup power in the event of a power outage will only be considered by the Planning Board if the sound created by such a generator is compliant with Commonwealth of Massachusetts Department of Environmental Protection Noise Control Regulation 310 CMR 7.10, or any successor regulation, as the same may be amended from time to time or any more stringent applicable requirement, as demonstrated by a thorough evaluation conducted and reported by a qualified acoustical engineer.

5.9.4.11 All radio frequency emissions from any Personal Wireless Service Facility shall comply with Federal Communications Commission (FCC) requirements codified in 47 CFR §1.1307 *et seq* as further interpreted by FCC Office of Engineering and Technology Bulletin 65, *Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields*, or any successor regulation or bulletin, as the same may be amended from time to time.

5.9.4.12 Communication Equipment Shelters shall be designed to be architecturally similar and compatible with each other and the surrounding area. The Personal Wireless Service Provider shall use the Communication Equipment Shelter only for the housing of equipment related to the Facility, and shall not use the Communication Equipment Shelter or the Facility Site for storage, maintenance, office, manufacturing or other purposes unless such use is permissible under the Carlisle Zoning Bylaw and all necessary permits and approvals have been obtained. Changes to the proposed Communication Equipment Shelter design, as well as additional supplemental screening, may be required by the Planning Board to lessen adverse visual or auditory impacts.

5.9.4.13 If a substantial amount of Personal Wireless Service provided by the proposed Personal Wireless Service Facility is outside the Town of Carlisle, the Planning Board may deny the application in favor of solutions that address the coverage requirements in the Town of Carlisle in a fashion that better satisfies the purposes of this Bylaw.

5.9.4.14 The Facility shall be designed and constructed so as to provide adequate emergency access to the Facility and the Facility Site. The Planning Board shall request input from the Carlisle Fire and Police Departments and other town emergency services regarding the adequacy of emergency access to the site.

5.9.4.15 In coordination with the Planning Board, an applicant for a new Tower or an extension to an existing Tower shall perform a visibility test. The visibility test shall be as set forth in the Planning Board's Rules and Regulations. The applicant shall publish advance notice of the test in a manner directed by the Planning Board. The applicant shall submit to the Planning Board a visibility analysis of a proposed Personal Wireless Service Facility as set forth in the Rules and Regulations.

5.9.4.16 The Planning Board may require that the equipment of all Providers on a Facility shall be subject to relocation to another nearby Facility if such relocation, when considered individually or in concert with existing or potential new Facilities, does not create a significant gap or gaps in the Provider's coverage as determined by the Planning Board as set forth in the Rules and Regulations when so directed by the Planning Board at a later time in its effort to maximize co-location of Providers. The Planning Board may then order the removal of a Tower if such is no longer required for wireless service after the relocation is completed.

5.9.4.17 The Planning Board may require that the equipment of all users of a Facility shall be subject to rearrangement on the Site if so directed by the Planning Board at a later time in its effort to maximize co-location of Providers. This may result in different vertical Antenna locations, reduced vertical separation of Antennas, and changes of Antenna arrangements, to the extent feasible without causing technically unacceptable radio frequency signal interference between the Antennas of the co-locators and without creating new significant gap or gaps in the existing coverage of incumbent Providers on the Facility.

5.9.5 Installation of SFFT or a Personal Wireless Service Facility in or on an Existing Building or Structure.

5.9.5.1 Notwithstanding Sections 5.9.6 and 5.9.7, the Planning Board may permit a Personal Wireless Service Facility to be installed in a manner that is not visible or easily recognizable to the public provided the proposed Facility meets the following criteria:

- (a) The proposed Facility must be Concealed or Camouflaged as part of an existing building or structure and such shall not substantially alter the external appearance of the building or structure or site, as viewed from the street or any adjacent building, or must be a SFFT Facility. However, architectural features that are customarily applied in Carlisle for other purposes may be applied to the building or structure in a manner that is in keeping with the architecture of the structure and the character of the surroundings. For example, a cupola might be added to conceal Antennas, or an attached addition or detached shed might be installed for a Base Station or Communication Equipment Shelter if they maintain the character of the site. The Planning Board may require a pictographic analysis of the proposed Facility, or other demonstration of the anticipated appearance of the Facility, as a condition before granting a special permit hereunder.

5.9.6 Height Limitations.

- 5.9.6.1 New Personal Wireless Towers shall not exceed the height necessary to address provision of Personal Wireless Service requirements specified in the application under consideration unless the Planning Board determines that the benefits of approving a greater height to accommodate co-location outweigh the detriments of the increased height, provided such increased height shall not exceed the height limitations set forth in Sections 5.9.6.2 through 5.9.6.4 below.
- 5.9.6.2 Subject to Sections 5.9.5 and 5.9.7.3.1, in areas where there is no significant tree cover or vegetative screening, the maximum Overall Tower Height of a new Personal Wireless Tower shall not exceed eighty (80) feet above finished grade of the ground elevation. Such finished grade shall not be distorted above the pre-existent natural grade as a way to achieve additional height.
- 5.9.6.3 Subject to Sections 5.9.5 and 5.9.7.3.1, the maximum Overall Tower Height of a new Personal Wireless Tower may exceed eighty (80) feet in areas where there is significant tree cover, and the maximum Overall Tower Height of a new Personal Wireless Tower in such area shall not exceed ten (10) feet above the average height of the natural preexistent tree canopy within a one-hundred fifty (150) foot radius of the proposed Personal Wireless Tower.
- 5.9.6.4 Notwithstanding the height limitations in Sections 5.9.6.2 and 5.9.6.3 should an applicant or applicants propose a Facility with more than one Provider seeking to co-locate Facilities on an existing or proposed Personal Wireless Tower, the installation of which would require or cause an increase in the overall height of said Tower, that increase shall be the smallest height increase required to address the provision of Personal Wireless Service requirement established by the applicant to the satisfaction of the Planning Board; however the increased height shall not exceed by more than 10 feet the 80 foot height as specified in Section 5.9.6.2 or by more than 10 feet the height as specified in Section 5.9.6.3., as applicable. Once a Facility has been increased in height for co-location, no additional co-location shall be allowed that would require a height increase beyond the total 10 foot increase allowance for co-location set forth herein.

5.9.6.5 Should the height of a Facility be increased because of co-location pursuant to Section 5.9.6.4 or 5.9.7.3.1, and should one or more Providers on such Facility cease to operate, and therefore the Facility ceases to have co-location, the holder of the Special Permit for the Facility shall provide Notice to the Planning Board within 30 days of the cessation of such operation. Within 90 days from said notification, an application for a new co-locator on the Facility must be filed. If approval for a Special Permit for a new co-locator is not obtained within 1 year of the date one or more of the Providers ceased to operate, the additional height granted the Facility because of the co-location must be removed and the Facility shall be subject to the maximum height limitations set forth in this Bylaw as if there was no co-location.

5.9.7 Setbacks.

5.9.7.1 Subject to Section 5.9.5, new Personal Wireless Towers shall be set at a distance at least equal to 1.5 times the maximum planned height of the Personal Wireless Tower from all lot lines of the site on which the Personal Wireless Tower is to be located, provided that the Planning Board may allow a setback less than 1.5 times the maximum planned height if it finds that a substantially better design will result with such reduction, provided, however, such set back shall in any event not be less than the maximum planned height of the proposed Facility, nor less than the setback required for structures within the zoning district that the Personal Wireless Tower is proposed. In making such finding, the Planning Board shall consider the visual and safety impacts of the proposed Facility.

5.9.7.2 Subject to Section 5.9.5, no Personal Wireless Service Facility, except as may be allowed by waivers under Section 5.9.7.3, shall be located within:

5.9.7.2.1 nine-hundred (900) feet, on a horizontal plane, to the structure of an existing child care facility or to any existing structure which is, or is able to be, occupied or habitable on the property of any school;

5.9.7.2.2 nine-hundred (900) feet, on a horizontal plane, to the structure of an existing residence, or the footprint of a future residence for which a Building Permit has been issued, not including those residential buildings located at the Site;

5.9.7.2.3 nine-hundred (900) feet, on a horizontal plane, to any structure in a Historic District, or listed, or eligible to be listed, on the State or Federal Register of Historic Places.

5.9.7.2.4 one-hundred (100) feet, on a horizontal plane, to any Massachusetts certified vernal pool.

5.9.7.3 The Planning Board may waive any setback requirement of Section 5.9.7.2 for the implementation of a Personal Wireless Facility if the Planning Board determines that the purposes of this Bylaw, as set forth in Section 5.9.1 are substantially satisfied. Justification for granting waivers under this section shall include the following

- (a) Documented evidence that the proposed provision of Personal Wireless Service cannot be substantially obtained by means not requiring such waivers, or documented evidence that the provision of such service by such means is substantially more detrimental to the purposes of this Bylaw than with the grant of the exceptions;
- (b) Demonstration that the proposed Facility or Facilities substantially satisfy the purposes of this Bylaw, including without limitation Section 5.9.3; and
- (c) Documented proof that any exceptions requested will not violate or exceed the limits of any federal, state environmental laws or regulations.

5.9.7.3.1 If a waiver is granted by the Planning Board pursuant to Section 5.9.7.3, any Concealed Antenna Monopole shall not exceed 60 feet in height, provided, however, if the Facility shall be subject to co-location by one or more Personal Wireless Service Provider, the height of such CAM shall not exceed 80 feet.

5.9.8 Approval criteria.

5.9.8.1 A special permit shall be issued under this section only if the Planning Board shall find that the project is in harmony with the general purpose and intent of this Bylaw.

5.9.8.2 The Planning Board, with the advice of outside review consultants and/or an advisory committee, if requested, shall make all the applicable findings before granting the special permit, as follows:

5.9.8.2.1 that the applicant has demonstrated that a substantial improvement in its provision of Personal Wireless Service in Carlisle will be obtained with the proposed Facility;

5.9.8.2.2 that the applicant has demonstrated to the satisfaction of the Planning Board that the use of existing Personal Wireless Service Facilities and Facility Sites, or the adjustment of same, does not eliminate or substantially diminish the need for the proposed Facility;

5.9.8.2.3 that the applicant has complied with Section 5.9.3 of this Bylaw;

5.9.8.2.4 that the proposed Personal Wireless Service Facility minimizes to the extent possible any adverse impact on historic resources, scenic views, residential property values, and natural or man-made resources;

5.9.8.2.5 that the applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the Facility;

5.9.8.2.6 that the Planning Board has been presented satisfactory evidence that the proposed Facility will be compliant with FCC requirements regarding human exposure to radio frequency energy; and

5.9.8.2.7 that, if the application is for a Personal Wireless Tower, the applicant has agreed to provide any available space on its Personal Wireless Tower to other Personal Wireless Service Providers, on a reasonable and non-discriminatory basis.

5.9.8.3 If a special permit is granted, the Planning Board may impose any such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by consultants or upon its own initiative.

5.9.9 Monitoring, Structural Evaluation and Modifications.

5.9.9.1 Requirements for the monitoring of Personal Wireless Service Facilities for compliance with federal emissions standards shall be specified in the Planning Board's Rules and Regulations.

5.9.9.2 Requirements for the structural evaluation of Personal Wireless Service Facilities for compliance with applicable state building codes shall be specified in the Planning Board's Rules and Regulations.

5.9.9.3 The owners of all Personal Wireless Service Facilities shall notify the Planning Board, in writing, prior to any modifications to an existing Facility or Facility Site that would substantially change its appearance or visibility, or otherwise change its performance under this Bylaw and/or the terms of its Special Permit, and such proposed modifications must receive prior approval from the Planning Board. The Board may elect, depending on the significance of the proposed changes, to require the owner(s) of the Facility to submit an application to amend their Special Permit. In any event, all proposed modifications, including repairs as set forth in Section 5.9.2.17, must receive all appropriate permits and approvals including, but not limited to those required by the Building Commissioner.

5.9.10 Removal of Facilities.

When a Personal Wireless Service Facility ceases to operate, it must be removed by the permittee or owner and the site restored to its original condition as described below. "Ceases to operate" is defined as not providing Personal Wireless Service for a period of one year. Prior to the removal of a Personal Wireless Facility, the owner or permittee shall notify the Planning Board in writing of its intent to remove the Facility. At the time of removal, the Facility Site shall be restored such that all Personal Wireless Service Facility improvements that have ceased to operate shall be removed and the site shall be restored to its original condition unless otherwise required by the owner of the Site and/or the Planning Board. Existing trees shall only be removed if necessary to complete the required removal. If all Facilities on a Personal Wireless Tower have ceased to operate, the Personal Wireless Tower (including the foundation) and all associated Antenna Equipment and any Communication Equipment Shelter(s) shall also be removed and the site shall be restored by the owner of the Personal Wireless Tower or Facilities and/or the owner of the site to the condition it was in prior to the installation of such Facilities. The Planning Board may, in connection with the granting of any special permit, require the providing of funds, posting of a bond, insurance certificate, or other financial instrument (collectively "Collateral") as designated by the Planning Board to fund the removal of the Facility and restoration of

the Site in the event the Facility ceases to operate, and the permittee or owner fails to comply with this section or lawful orders to remove the Facility. If, following lawful notice given to the owner of the site and/or Facility owner(s) demanding removal of the Facility, the owner fails to do so, the Planning Board or the Building Commissioner may initiate removal at the owners' expense and may utilize the Collateral provided for the removal of the Facility and restoration of the Site under the terms of this Bylaw. At the discretion of the Planning Board, removal shall either be done by the Facility owner, under the supervision of the Town of Carlisle, or by the Town of Carlisle.

5.9.11 Exemptions. The following types of wireless communications facilities are exempt from this Section 5.9:

5.9.11.1 Amateur radio transmitting and receiving structures used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission and protected by Massachusetts General Laws c. 40A, sec. 3, provided that the transmitting and receiving structure is not used or licensed for any commercial purpose;

5.9.11.2 Non-commercial satellite dishes and antennas used only for reception of radio, television and data signals; and

5.9.11.3 Communication facilities employed by police, fire, ambulance and other emergency dispatch.

5.9.12 Term of Permit.

Any special permit issued for a Facility shall be valid for not more than 3 years, unless such is extended by the Planning Board for a period not to exceed 2 years, provided, however, the Planning Board may provide longer terms for Facilities set forth in Section 5.9.3(a)-(f).

or take any other action related thereto.

And in the name of the Commonwealth of Massachusetts you are hereby further required to notify and warn the inhabitants of the Town of Carlisle, qualified as aforesaid, to go to the Town Hall Building at 66 Westford Street in said Carlisle on Tuesday, the 12th day of May, 2009 between the hours of seven o'clock forenoon and eight o'clock in the afternoon and there to vote on the following:

BALLOT QUESTIONS

TOWN ELECTION – MAY 12, 2009

7:00 A.M. TO 8:00 P.M.

ELECTION OF OFFICERS – To see if the Town will vote on the election of the following Town Officers:

Moderator	one for a term of one year
Town Clerk	one for a term of three years
Selectmen	two for a term of three years
Board of Assessors	one for a term of three years
Board of Health	two for a term of three years
Housing Authority	one for a term of five years
Library Trustees	one for a term of three years
Planning Board	two for a term of three years
School Committee	one for a term of three years

DEBT EXCLUSION QUESTIONS

G.L. c. 59, s. 21C(k)

Question 1: Shall the Town of Carlisle be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued to fund schematic design and project management services associated with the additions, renovations and site work improvements to the Carlisle Public Schools located on the existing school campus on School Street in Carlisle, MA?

YES____ NO____

Question 2: Shall the Town of Carlisle be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the Town of Carlisle's apportioned share of a bond to be issued by the Concord-Carlisle Regional School District for improvements to safety systems, and to address and plan remediation of space constraints to Concord Carlisle High School?

YES____ NO____

Question 3: Shall the Town of Carlisle be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued to fund the purchase of a Roll-Off Truck for the Carlisle DPW?

YES____ NO____

Question 4: Shall the Town of Carlisle be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued to fund the purchase and installation of cisterns for the Fire Department?

YES____ NO____

And you are directed to serve this warrant by posting a true and attested copy thereof at the Town Hall and at the Post Office in said Town of Carlisle at least seven days prior to the time of holding said meeting.

THEREOF FAIL NOT and make return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of holding the meeting aforesaid.

Given under our hands this 24th day of March in the Year of Our Lord 2009.

BOARD OF SELECTMEN

Douglas A.G. Stevenson

John D. Williams

William R. Tice, Jr.

Alan Carpenito

Timothy F. Hult

A True Copy

Attest: Chief John Sullivan, Constable

Middlesex, ss.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Carlisle by posting up attested copies of the same at the United States Post Office and on the Town Bulletin Board in said town at least seven (7) days before the date of the meeting, as within directed

Chief John Sullivan, Constable of Carlisle

Date Posted: March 26, 2009